

AO 120 (Rev. 2/99)

<b>TO: Mail Stop 8</b> <b>Director of the U.S. Patent &amp; Trademark Office</b> <b>P.O. Box 1450</b> <b>Alexandria, VA 22313-1450</b>	<b>REPORT ON THE</b> <b>FILING OR DETERMINATION OF AN</b> <b>ACTION REGARDING A PATENT OR</b> <b>TRADEMARK</b>
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In Compliance with 35 § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been  
 filed in the U.S. District Court Northern District of California on the following ☒ Patents or ☐ Trademarks:

DOCKET NO. C-11-6637-EDL	DATE FILED December 23, 2011	U.S. DISTRICT COURT Office of the Clerk, 450 Golden Gate Avenue, 16 <sup>th</sup> Floor, San Francisco, 94102
PLAINTIFF  VASUDEVAN SOFTWARE, INC.		DEFENDANT  MICROSTRATEGY, INC.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 6,877,006 B1		
2 7,167,864 B1		
3 7,720,861 B1		"Pls. See Attached Copy of Complaint"
4 8,082,268 B2		
5		

In the above—entitled case, the following patent(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading		
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
1			
2			
3			
4			
5			

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT		
CLERK  Richard W. Wieking	(BY) DEPUTY CLERK  Thelma Nudo	DATE  December 23, 2011

Copy 1—Upon initiation of action, mail this copy to Commissioner    Copy 3—Upon termination of action, mail this copy to Commissioner  
 Copy 2—Upon filing document adding patent(s), mail this copy to Commissioner    Copy 4—Case file copy

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15 Attorneys for Plaintiff

16  
17 UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
18 SAN FRANCISCO DIVISION

19 VASUDEVAN SOFTWARE, INC.,

20 Plaintiff,

21 vs.

22 MICROSTRATEGY, INC.,

23 Defendant.

Case No.

COMPLAINT FOR PATENT  
INFRINGEMENT

JURY TRIAL DEMANDED

24 For its Complaint, Plaintiff Vasudevan Software, Inc. (VSi) alleges as follows:

25 I. This case is related to, and involves some of the same patents involved in the prior  
26 action, *Vasudevan Software, Inc. v. International Business Machines Corporation, et al.*, Case  
27  
28

VSI'S COMPLAINT FOR PATENT INFRINGEMENT - 1

2118132v1/012934

FILED

DEC 28 2011

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

E-filing

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6637

CV

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1 No. 5:09-CV-05897 (RS-PSG) which was litigated in the United States District Court for the  
2 Northern District of California, San Francisco Division.

3 **THE PARTIES**

4 2. Plaintiff VSi is a corporation duly organized under the laws of North Carolina with  
5 its principal place of business at 380-H Knollwood Street, Suite 193, Winston-Salem, North  
6 Carolina 27103.

7  
8 3. Upon information and belief, Defendant MicroStrategy, Inc. (MicroStrategy) is a  
9 corporation organized and existing under the laws of the State of Delaware, with its principal  
10 place of business at 1850 Towers Crescent Plaza, Tysons Corner, Virginia 22182.

11 **JURISDICTION AND VENUE**

12 4. This action arises under the United States Patent Laws, codified at 35 U.S.C. § 1,  
13 et seq.

14 5. This Court has exclusive subject matter jurisdiction under 28 U.S.C. §§ 1331 and  
15 1338(a).

16  
17 6. MicroStrategy has sufficient contacts with this judicial district and the state of  
18 California to subject it to the jurisdiction of this Court. Corporation Service Company is a  
19 registered MicroStrategy agent for service of process, located at 2730 Gateway Oaks Drive, Suite  
20 100, Sacramento, California 95833. MicroStrategy maintains facilities and conducts business in  
21 California, including in the Northern District of California. MicroStrategy maintains an office at  
22 101 Montgomery Street San Francisco, California 94104. MicroStrategy also advertises and sells  
23 its products to distributors and residents throughout California. In addition, MicroStrategy has  
24 committed acts of infringement in this District, and continues to commit acts of infringement in  
25 this District, entitling VSi to relief.  
26  
27  
28

1           7.       Venue is proper in the Northern District of California pursuant to 28 U.S.C. §§  
2 1391(b), (c) and 1400(b), because MicroStrategy has committed acts of direct and indirect  
3 infringement in the Northern District of California, has transacted business in the Northern  
4 District of California, and has established minimum contacts with the Northern District of  
5 California.  
6

7                           **COUNT ONE - INFRINGEMENT OF THE '006 PATENT**

8           8.       On April 5, 2005, United States Patent No. 6,877,006 B1 (the '006 Patent) was  
9 duly and legally issued for an invention entitled "Multimedia Inspection Database System  
10 (MIDaS) For Dynamic Run-Time Evaluation." On January 6, 2009, an Ex Parte Reexamination  
11 Certificate was duly and legally issued for the '006 Patent. The Reexamination Certificate  
12 confirms the patentability of all claims. VSi was assigned the '006 Patent and continues to hold  
13 all rights and interest in the '006 Patent. VSi has complied with the requirements of 35 U.S.C. §  
14 287. A true and correct copy of the '006 Patent and the Reexamination Certificate is attached as  
15 Exhibit A.  
16

17           9.       MicroStrategy has infringed and continues to infringe the '006 Patent by its  
18 manufacture, use, offer for sale, importation and/or sale of MicroStrategy 9 and other products,  
19 and is contributing to and inducing others to manufacture, use, sell, distribute, and/or offer to sell  
20 infringing products. Under 35 U.S.C. § 271, MicroStrategy is liable for its infringement of the  
21 '006 Patent.  
22

23           10.       MicroStrategy's acts of infringement have caused damage to VSi, and VSi is  
24 entitled to recover from MicroStrategy the damages sustained by VSi as a result of  
25 MicroStrategy's wrongful acts in an amount subject to proof at trial. MicroStrategy's  
26 infringement of VSi's exclusive rights under the '006 Patent will continue to damage VSi,  
27  
28

1 causing irreparable harm for which there is no adequate remedy at law, unless enjoined by this  
2 Court.

3 11. VSi reserves the right to allege, after discovery, that MicroStrategy's infringement  
4 of the '006 patent is willful and deliberate, entitling VSi to increased damages under 35 U.S.C. §  
5 284 and to attorney's fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

6  
7 **COUNT TWO - INFRINGEMENT OF THE '864 PATENT**

8 12. On January 23, 2007, United States Patent No. 7,167,864 B1 (the '864 Patent) was  
9 duly and legally issued for an invention entitled "Multimedia Inspection Database System  
10 (MIDaS) For Dynamic Run-Time Evaluation." On January 6, 2009, an Ex Parte Reexamination  
11 Certificate was duly and legally issued for the '864 Patent. The Reexamination Certificate  
12 confirms the patentability of all claims. VSi was assigned the '864 Patent and continues to hold  
13 all rights and interest in the '864 Patent. VSi has complied with the requirements of 35 U.S.C. §  
14 287. A true and correct copy of the '864 Patent and the Reexamination Certificate are attached as  
15 Exhibit B.  
16

17 13. MicroStrategy has infringed and continues to infringe the '864 Patent by its  
18 manufacture, use, offer for sale, importation and/or sale of MicroStrategy 9 and other products,  
19 and is contributing to and inducing others to manufacture, use, sell, distribute, and/or offer to sell  
20 infringing products. Under 35 U.S.C. § 271, MicroStrategy is liable for its infringement of the  
21 '864 Patent.  
22

23 14. Defendants' acts of infringement have caused damage to VSi, and VSi is entitled  
24 to recover from Defendants the damages sustained by VSi as a result of Defendants' wrongful  
25 acts in an amount subject to proof at trial. Defendants' infringement of VSi's exclusive rights  
26 under the '864 Patent will continue to damage VSi, causing irreparable harm for which there is no  
27 adequate remedy at law, unless enjoined by this Court.  
28

1           15.     VSi reserves the right to allege, after discovery, that MicroStrategy's infringement  
2 of the '864 patent is willful and deliberate, entitling VSi to increased damages under 35 U.S.C. §  
3 284 and to attorney's fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

4                     **COUNT THREE - INFRINGEMENT OF THE '861 PATENT**

5           16.     On May 18, 2010, United States Patent No. 7,720,861 B1 (the '861 Patent) was  
6 duly and legally issued for an invention entitled "Multimedia Inspection Database System  
7 (MIDaS) For Dynamic Run-Time Evaluation." VSi was assigned the '861 Patent and continues  
8 to hold all rights and interest in the '861 Patent. VSi has complied with the requirements of 35  
9 U.S.C. § 287. A true and correct copy of the '861 Patent is attached as Exhibit C.

10           17.     MicroStrategy has infringed and continues to infringe the '861 Patent by its  
11 manufacture, use, offer for sale, importation and/or sale of MicroStrategy 9 and other products,  
12 and is contributing to and inducing others to manufacture, use, sell, distribute, and/or offer to sell  
13 infringing products. Under 35 U.S.C. § 271, MicroStrategy is liable for its infringement of the  
14 '861 Patent.

15           18.     Defendants' acts of infringement have caused damage to VSi, and VSi is entitled  
16 to recover from Defendants the damages sustained by VSi as a result of Defendants' wrongful  
17 acts in an amount subject to proof at trial. Defendants' infringement of VSi's exclusive rights  
18 under the '861 Patent will continue to damage VSi, causing irreparable harm for which there is no  
19 adequate remedy at law, unless enjoined by this Court.

20           19.     VSi reserves the right to allege, after discovery, that MicroStrategy's infringement  
21 of the '861 patent is willful and deliberate, entitling VSi to increased damages under 35 U.S.C. §  
22 284 and to attorney's fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

23                     **COUNT FOUR - INFRINGEMENT OF THE '268 PATENT**

1           20.     On December 20, 2011, United States Patent No. 8,082,268 B2 (the '268 Patent)  
2 was duly and legally issued for an invention entitled "Multimedia Inspection Database System  
3 (MIDaS) For Dynamic Run-Time Evaluation." VSi was assigned the '268 Patent and continues  
4 to hold all rights and interest in the '268 Patent. VSi has complied with the requirements of 35  
5 U.S.C. § 287. A true and correct copy of the '268 Patent is attached as Exhibit D.  
6

7           21.     MicroStrategy has infringed and continues to infringe the '268 Patent by its  
8 manufacture, use, offer for sale, importation and/or sale of MicroStrategy 9 and other products,  
9 and is contributing to and inducing others to manufacture, use, sell, distribute, and/or offer to sell  
10 infringing products. Under 35 U.S.C. § 271, MicroStrategy is liable for its infringement of the  
11 '268 Patent.  
12

13           22.     Defendants' acts of infringement have caused damage to VSi, and VSi is entitled  
14 to recover from Defendants the damages sustained by VSi as a result of Defendants' wrongful  
15 acts in an amount subject to proof at trial. Defendants' infringement of VSi's exclusive rights  
16 under the '268 Patent will continue to damage VSi, causing irreparable harm for which there is no  
17 adequate remedy at law, unless enjoined by this Court.  
18

19           23.     VSi reserves the right to allege, after discovery, that MicroStrategy's infringement  
20 of the '268 patent is willful and deliberate, entitling VSi to increased damages under 35 U.S.C. §  
21 284 and to attorney's fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.  
22

23                   **JURY DEMAND**

24           24.     VSi demands a trial by jury.  
25

26                   **PRAYER FOR RELIEF**

27           WHEREFORE, VSi prays for relief against MicroStrategy as follows:  
28

1 a. Judgment that MicroStrategy has infringed, induced others to infringe, and  
2 committed acts of contributory infringement with respect to the claims of the '006, '864, '861 and  
3 '268 Patents;

4 b. Judgment that the '006, '864, '861 and '268 Patents are valid and enforceable;

5 c. A permanent injunction enjoining MicroStrategy, its respective officers, agents,  
6 servants, employees, and those acting in privity with it, from further infringement, contributory  
7 infringement and/or inducing infringement of the '006, '864, '861 and '268 Patents;  
8

9 d. Requiring MicroStrategy to file with this Court, within thirty (30) days after entry of  
10 final judgment, a written statement under oath setting forth in detail the manner in which it has  
11 complied with the injunction;

12 e. Awarding VSi damages adequate to compensate for the infringement by  
13 MicroStrategy, but in no event less than a reasonable royalty for the use made of the inventions  
14 by MicroStrategy, together with pre-judgment and post-judgment interest and costs under 35  
15 U.S.C. § 284;  
16

17 f. Declaring this case exceptional pursuant to 35 U.S.C. § 285, and awarding VSi its  
18 attorney fees;

19 g. Costs of court; and

20 h. Awarding to VSi such other and further relief, in law or equity, as the Court deems  
21 just.  
22

23 Dated: December 22, 2011

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